

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CEDRIC DUPREE,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 08-618-GPM
)	
MAJOR MAUE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

This prisoner civil rights case is before the Court on a motion to dismiss or, alternatively, to consolidate filed by Defendant Mirza Baig. Defendant Baig argues that the claims pending against him in this action are duplicative of claims pending in the United States District Court for the Northern District of Illinois. In support of the motion, Defendant has attached the *pro se* complaint filed by Plaintiff on January 11, 2008, in the Northern District (*see* Doc. 90, Ex. 1).

As an initial matter, during a hearing held on a previous motion to dismiss filed by Defendant Baig, this Court found that the conduct committed by Defendant Baig as alleged in Count 5 serves as one of the bases for Plaintiff's retaliation claim asserted in Count 1. Moreover, it is clear from the document attached to Plaintiff's response (Doc. 96) that United States District Judge Frederick J. Kapala dismissed Plaintiff's *pro se* complaint without prejudice to appointed counsel filing an amended complaint involving confinement at Dixon Correctional Center only (case no. 08 C 50010, N.D. Ill. Jan. 22, 2008). Therefore, Defendant Baig has failed to support his contention that the claims asserted against him in this action are proceeding in the Northern District of Illinois.

For these reasons, Defendant Baig's motion to dismiss or, alternately, to consolidate this action with the case pending in the Northern District of Illinois (Doc. 90) is **DENIED**.

IT IS SO ORDERED.

DATED: 03/25/10

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge